



2711

AUTHORIZATION FOR AGREEMENTS, MOUs, OR OTHER DOCUMENTS OBLIGATING THE CITY

All contracts, agreements, grant agreements, memoranda of understanding, or any document obligating the city (with the exception of purchase orders), requires the completion of this form. The City Manager will sign these documents after all other required information and signatures are obtained.

Document: AMENDMENT 2 Date: 7/1/24

Statement of Purpose: AMENDMENT 2 TO CONSENT AGREEMENT

Department Head Signature: [Signature]

Remarks, if any: _____

City Attorney Review and Signature: _____ Date: _____

Other Signatures as Requested by the City Attorney: _____

Signature Date: _____ Name/Position _____

Budget Confirmed: Yes No N/A

Certificate of Insurance Attached: Yes No N/A

City Council Approval Needed: Yes No Date: _____

After all the above requested information is complete and signatures obtained, return this form, along with the original document to the City Manager for signature. No documents should be executed prior to the City Manager's approval as evidenced by signature of this document.

City Manager Signature: [Signature] Date: 7-2-24

Once all signatures and certificates of insurance have been obtained, return this document, along with the original, fully-executed agreement, MOU, or other document to the City Recorder. A copy of grant agreement and all project funding documents, must be forwarded to the Finance Department for tracking and audit purposes.

City Recorder Signature: _____ Date: _____

Date posted on website: _____

Spencer Nebel

From: David Allen
Sent: Saturday, June 29, 2024 5:08 PM
To: Stephanie Kerns; Spencer Nebel; DJ Fox; Steve Stewart
Cc: Robert Moser; Erik Glover; Melanie Nelson
Subject: Re: Consent Agreement Compliance Schedule Warning Letter
Attachments: 20240628120019276.pdf

The attached amendment signed by OBC is the revised/final draft from below, so Spencer and Robert can go ahead and sign it. --David

From: Stephanie Kerns
Sent: Friday, June 28, 2024 2:48 PM
To: Spencer Nebel; David Allen; DJ Fox; Steve Stewart
Subject: RE: Consent Agreement Compliance Schedule Warning Letter

It looks great to me and I am good with this being signed 😊

Thanks!

Stephanie Kerns

Environmental Compliance Specialist
The City of Newport
169 SW Coast HWY
Newport, OR 97365

Office: (541)819-7249
Cell: (541)270-9926
S.Kerns@NewportOregon.gov

From: Spencer Nebel <S.Nebel@NewportOregon.gov>
Sent: Friday, June 28, 2024 2:30 PM
To: David Allen <D.Allen@NewportOregon.gov>; Stephanie Kerns <S.Kerns@NewportOregon.gov>; DJ Fox <D.Fox@NewportOregon.gov>; Steve Stewart <S.Stewart@NewportOregon.gov>
Subject: FW: Consent Agreement Compliance Schedule Warning Letter

Are we good to go with me and Robert signing this? If so, Robert can come in on Monday and we can get this executed.
– Spencer

**Amendment No. 2 to Consent Agreement
Between City of Newport and Oregon Brewing Company**

THIS AMENDMENT NO. 2 is to the Consent Agreement between the City of Newport (City) and Oregon Brewing Company (OBC) dated September 1, 2021.

Recitals:

1. City and OBC entered into a Consent Agreement effective September 1, 2021 (Agreement) related to noncompliant discharges from OBC's industrial wastewater pretreatment system.
2. Under an amendment to the Agreement dated June 2, 2023, OBC was granted an extension of six months to the 21-month period as set out in Section II.1.b. of the Agreement to complete its technical compliance plan and schedule.
3. OBC's technical compliance plan and schedule, as amended dated May 5, 2024, are included and attached to this Amendment.

Terms of Amendment No. 2:

City and OBC agree to further amend the Agreement, as provided for in Section III.10, as follows, effective on the date of the last signature below:

- A. The 21-month period as set out in Section II.1.b. of the Agreement for OBC to complete its technical compliance plan and schedule, as previously extended by six months, is extended by an additional 12 months to a 39-month period, with an anticipated completion date of December 1, 2024.
- B. This Amendment may be executed in counterparts and a signed copy transmitted by facsimile or other electronic means, each of which will be deemed an original, but all of which taken together will constitute one and the same agreement.

Except as expressly set forth herein, all provisions of the Agreement shall continue and remain in full force and effect.

City of Newport



Spencer R. Nebel, City Manager


Date: 07-01-2024



Robert Moser
Public Works Director

Date: 7/1/24

Oregon Brewing Company



Steven Garrett, President

Date: 6-28-2024